

**R E M A R K S**

Careful review and examination of the subject application are noted and appreciated.

**SUPPORT FOR THE CLAIM AMENDMENTS**

Support for the claim amendments may be found in the specification, for example, on page 9 lines 7-17, page 32 line 18-page 33 line 6 and FIGS. 1, 2 and 7 as originally filed. Thus, no new matter has been added.

**INFORMATION DISCLOSURE STATEMENT**

The Examiner's attention is directed to the information disclosure statement filed concurrently with this response.

**DOUBLE PATENTING**

The rejection of claim 1 under the judicially created doctrine of obviousness-type double patenting has been obviated by the attached Terminal Disclaimer and should be withdrawn.

**CLAIM OBJECTION UNDER 35 CFR 1.75(c)**

The objection to claims 23, 25, 27 and 29 under 37 CFR 1.75(c) for failing to further limit the subject matter of a previous claim (because they are presented before claims 31-33) is respectfully traversed and should be withdrawn.

Claims 23, 25, 27 and 29 each add limitations not present in the claims from which they depend. In particular, claim 23 adds a step for extracting a programming item, claim 25 adds a step for mapping the compressed item, claim 27 adds a step for parsing a plurality of first comments lines and claim 29 adds a step for repairing an error detection item. Therefore, the claims do further limit the subject matter of the previous claims. As such, the claims are fully compliant with 37 CFR 1.75(c).

Furthermore, 37 CFR 1.126 and MPEP §608.01(j) state that the numbering of the claims is preserved in the original filing order and as added. Therefore, having claims 23, 25, 27 and 29 depend from claims 31-33 is appropriate during prosecution. The Examiner renumbers the claims consecutively, if necessary, when the application is ready for allowance. As such, the objection of claims 23, 25, 27 and 29 should be withdrawn.

**CLAIM REJECTIONS UNDER 35 U.S.C. §103**

The rejection of claims 1-7, 22 and 30 under 35 U.S.C. §103(a) as being unpatentable over the Background section of the application in view of Kalkstein '903 has been obviated in part by appropriate amendment, is respectfully traversed in part, and should be withdrawn.

The rejection of claims 8-10, 27 and 31 under 35 U.S.C. §103(a) as being unpatentable over the Background section of the application in view of Kalkstein and Dabbish et al. '015 (hereafter Dabbish) is respectfully traversed and should be withdrawn.

The rejection of claims 21 under 35 U.S.C. §103(a) as being unpatentable over the Background section of the application in view of Kalkstein and Stanley '595 is respectfully traversed and should be withdrawn.

The rejection of claims 23, 24, 29, 32 and 33 under 35 U.S.C. §103(a) as being unpatentable over the Background section of the application in view of Kalkstein, Dabbish and Har et al. '145 (hereafter Har) is respectfully traversed and should be withdrawn.

The rejection of claims 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over the Background section of the application in view of Kalkstein, Dabbish, Har and Stanley is respectfully traversed and should be withdrawn.

The rejection of claims 28 under 35 U.S.C. §103(a) as being unpatentable over the Background section of the application in view of Kalkstein, Dabbish and Stanley is respectfully traversed and should be withdrawn.

Kalkstein concerns on-the-fly data re-compression (Title). Dabbish concerns a programmable array logic self-checking system (Title). Stanley concerns a method and system for compression and decompression of data (Title). Har concerns a computer memory compression abort and bypass mechanism when cache write back buffer is full (Title).

Applicants have not made an express admission that the material in the Background of the Invention section of the application qualifies as prior art under 35 U.S.C. §102 and/ or §103. As such, the Examiner is respectfully requested to either

(i) provide evidence that the material in the Background of the Invention section of the application qualifies as prior art or (ii) withdraw the rejections.

Furthermore, Kalkstein appears to be non-analogous art to the Background section of the application. Kalkstein concerns on-the-fly data re-compression. The Background section of the application concerns generation of JEDEC files for programming programmable logic devices (PLDs). One of ordinary skill in the art would not appear to understand data re-compression to be analogous to generating JEDEC files. As such, the Examiner is respectfully requested to either (i) provide evidence that Kalkstein is analogous art or (ii) withdraw the rejections.

Claim 1 provides a step for compressing a programming item to present a compressed item. The Office Action asserts that one of ordinary skill in the art would have been motivated to add a compression capability of Kalkstein to the Background section to improve "implementation of the Huffman encoding, thereby gaining a significant increase of speed in exchange for slight or negligible degradation of the compression capacity." In contrast, the Background section of the application is silent regarding both Huffman encoding and a compression capacity. Thus, the asserted motivation that a non-existing Huffman compression capacity could be improved with Kalkstein is merely a conclusory statement. Claim 30 provides language similar to claim 1. As such, *prima facie* obviousness has not been established for lack of clear and particular evidence of motivation to combine the references. The

Examiner is respectfully requested to either (i) identify the "Huffman encoding" and "compression capacity" allegedly found in the Background section of the application by page and line number or (ii) withdraw the rejection to claims 1 and 30.

Claim 1 further provides a step for storing the compressed item in a plurality of first non-programming fields of a file. Despite the assertion in the Office Action, the Background section of the application is silent regarding a compressed item and thus is silent regarding storing the non-existing compressed item in a file. Furthermore, the assertion that the claimed compressed item is similar to the "non-programming type information" from the Background section of the application is inconsistent with the specification and inconsistent with how one of ordinary skill in the art would interpret the claim language (See MPEP §2111). In particular, the specification teaches on page 39 lines 7-17 that the compressed item may be used to program the PLD, after parsing and decompressing. One of ordinary skill in the art would appear to understand data in file suitable for programming a PLD is not non-programming type information. Still furthermore, both the Background section of the application and Kalkstein appear to be silent regarding storing a compressed item in a plurality of first non-programming fields. Therefore, the Background section of the application and Kalkstein, alone or in combination, do not appear to teach or suggest a step for storing the compressed item in a plurality of first non-programming fields of a file as presently claimed. Claim 30 provides language similar

to claim 1. As such, claims 1 and 30 are fully patentable over the cited references and the rejection should be withdrawn.

Claim 1 further provides a step for storing at least one non-programming type information item in a second non-programmable field of the file. Assuming, *arguendo*, that the specification and one of ordinary skill in the art would consider the claimed compressed item to be similar to a non-programming type item (for which Applicants' representative does not agree), both references appear to be silent regarding storing a "non-programming type" compressed item in a plurality of first non-programmable fields AND storing at least one (other) non-programming type information item in a second non-programmable field. Therefore, the Background section of the application and Kalkstein, alone or in combination, do not appear to teach a step for storing at least one non-programming type information item in a second non-programmable field of the file as presently claimed.

Furthermore, Applicants' representative respectfully traverses the assertion (used for claim 2) that storing other non-programming type information in a second non-programming field is inherent. Inherency requires certainty of results, not mere possibility.<sup>1</sup> Since two items could be stored in a single non-programming field of a file, no certainty exists. As such, claim

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<sup>1</sup> See, e.g., *Ethyl Molded Products Co. v. Betts Package, Inc.*, 9 U.S.P.Q. 2d 1001 (E.D.Ky 1988). See also, *In re Oelrich*, 666 F.2d 578, 581, 212 USPQ 323, 326 (C.C.P.A. 1981).

1 is fully patentable over the cited reference and the rejection should be withdrawn.

Claim 30 further provides a structure comprising (i) means for transferring a file and (ii) means for generating a programming item. In contrast, both the Background section of the application and Kalkstein appear to be silent regarding the claimed structure. Therefore, the Background section of the application and Kalkstein, alone or in combination, do not appear to teach or suggest a structure comprising (i) means for transferring a file and (ii) means for generating a programming item as presently claimed. As such, claim 30 is fully patentable over the cited references and the rejection should be withdrawn.

Claim 2 provides a step for storing at least one of the parameters in a third non-programming field of the file. Despite the assertion in the Office Action, the Background section of the application does not teach storing parameters in non-programming fields. In particular, the Background section of the application states just the opposite:

The JESD3-C standard has several practical limitations. One limitation is that the files cannot be used to reverse calculate the original parameters. A common practice is to **dispose of the original device programming parameters** once the file has been verified as correct and the programmed devices have gone into production. Consequently, the original intent of the program is lost with the **discarding of the parameters**. (Emphasis added)

Furthermore, per claim 1, step (A) the claimed parameters are what's used to generate the programming item to program the PLD. Thus, one of ordinary skill in the art would not appear to consider

the claimed parameters to be non-programming type information. Therefore, the Background section of the application and Kalkstein, along or in combination, do not appear to teach or suggest a step for storing at least one of the parameters in a third non-programming field of the file as presently claimed. As such, claim 2 is fully patentable over the cited references and the rejection should be withdrawn.

Claim 4 provides that a dictionary is generated independently of a compressing step. In contrast, Kalkstein appears to teach that generation of a dictionary is performed **while compressing**. In particular, column 15 lines 61-65 of Kalkstein states:

The historical frequency list is shown in block 311 and is a data dictionary which **includes statistical information relating to** the occurrence frequencies of the data items in at least one, but preferably substantially all, of **the previously processed packets P<sub>1</sub>, . . . , P<sub>m-1</sub>**. (Emphasis added)

Kalkstein appears to contemplate that as packets are processed (compressed), the historical frequency list (data dictionary) is changed. Therefore, the data dictionary of Kalkstein appears to be dependent on the recently compressed packets and this is not independent of the compressing process. Therefore, the Background section of the application and Kalkstein, alone or in combination, do not appear to teach or suggest that a dictionary is generated independently of a compressing step as presently claimed. As such, claim 4 is fully patentable over the cited references and the rejection should be withdrawn.

Claim 6 provides a step for encoding the compressed item from a binary representation to a symbol representation. Despite the assertion in the Office Action, the text in column 2 lines 28-32 of Kalkstein appear to teach the opposite direction from what is claimed, "For example, the letter 'A' may be represented by the binary string '010'." Kalkstein appears to contemplate encoding from a letter representation (A) to a binary representation (010), not the other way around. Therefore, the Background section of the application and Kalkstein, alone or in combination, do not appear to teach or suggest a step for encoding the compressed item from a binary representation to a symbol representation as presently claimed. As such, claim 6 is fully patentable over the cited references and the rejection should be withdrawn.

Claims 3, 5, 7 and 22 depend from claim 1, which is now believed to be allowable. Since the dependent claims include all of the limitations of the independent claims, claims 3, 5, 7 and 22 are fully patentable over the cited reference and the rejection should be withdrawn.

Regarding claims 8-10, 27 and 31, Dabbish appears to be non-analogous art to both the Background section of the application and Kalkstein. In particular, Dabbish and Kalkstein have different US classifications. Therefore, the Examiner is respectfully requested to either (i) provide evidence that Dabbish is analogous art or (ii) withdraw the rejection.

Claim 9 provides a step for extracting an error detection item from the file. Despite the assertion in the Office Action,

the text in column 1 lines 49-57 of Dabbish appear to be silent regarding both a file and a step for extracting from the file:

This need is substantially met by the programmable array logic (PAL) self-checking system disclosed herein. The disclosed PAL self-checking system comprises an input register, a programmable array, a fixed array, an error detection register, an error detection circuit and an error detection signal. Polynomial coefficients representing an encryption algorithm and an error detection code generated from the polynomial are stored in the programmable array.

Nowhere in the above text, or in any other section does Dabbish appear to discuss a file suitable for programming a PLD or extracting from such a file. Therefore, the Background section of the application, Kalkstein and Dabbish, alone or in combination, do not appear to teach or suggest a step for extracting an error detection item from the file as presently claimed. As such, claim 9 is fully patentable over the cited references and the rejection should be withdrawn.

Claim 27 provides a step for parsing a plurality of first comments lines containing the compressed item from the file using a plurality of first delimiters. The text of Kalkstein cited in the Office Action appears to be silent regarding most of the claimed step:

According to another embodiment of the algorithm, the plurality of parsed elements are divided into a plurality of segments, each of the segments being encoded according to an encoding table from the historical array.

Nowhere in the above text, or in any other segment does Kalkstein appear to discuss (i) comment lines in a file, (ii) delimiters in the file or (iii) an act of parsing using the delimiters. Therefore, the Background section of the application, Kalkstein and

Dabbish, alone or in combination, do not appear to teach or suggest a step for parsing a plurality of first comments lines containing the compressed item from the file using a plurality of first delimiters as presently claimed. As such, claim 27 is fully patentable over the cited references and the rejection should be withdrawn.

Claims 8, 10 and 31 depend from claim 1, which is now believed to be allowable. Since the dependent claims include all of the limitations of the independent claims, claims 8, 10 and 31 are fully patentable over the cited reference and the rejection should be withdrawn.

Regarding claim 21, Stanley appears to be non-analogous art to the Background section of the application and Kalkstein. In particular, Stanley and Kalkstein have different US classifications. Therefore, the Examiner is respectfully requested to either (i) provide evidence that Stanley is analogous art or (ii) withdraw the rejection.

Furthermore, the alleged motivation to combine Stanley with the other references appears to be based on a circular argument. The Office Action appears to be arguing that motivation for adding a variable-length and a fixed-length encoding capability is to have a variable-length and a fixed-length encoding capability. However, no evidence is provided why one of ordinary skill in the art would want both the variable-length and the fixed-length encoding in the first place. As such, the Examiner is

respectfully requested to either (i) provide clear and particular evidence of motivation or (ii) withdraw the rejection.

Claim 21 provides a step of adding a plurality of delimiters around the compressed item in a plurality of third non-programming fields. In contrast, the cited text of Stanley appears to concern encoding symbols **within a compressed item** using **a single delimiter**. Stanley appears to be silent regarding multiple delimiters around the compressed item. Both the Background section of the application and Stanley appears to be silent regarding storage of delimiters in non-programming fields of the file. Therefore, the Background section of the application, Kalkstein, and Stanley, alone or in combination, do not appear to teach or suggest a step of adding a plurality of delimiters around the compressed item in a plurality of third non-programming fields as presently claimed. As such, claim 21 is fully patentable over the cited references and the rejection should be withdrawn.

Regarding claims 23, 24, 29, 32 and 33, Har appears to be non-analogous art. In particular, Har has a different US classification than Kalkstein and Dabbish. As such, the Examiner is respectfully requested to either (i) provide evidence that Har is analogous art or (ii) withdraw the rejection:

Furthermore, the alleged motivation to provide a data management mechanism appears to be based on a circuit argument. The Office Action appears to be arguing that motivation to provide a data management mechanism is that the resulting combination would have a data management mechanism. However, no evidence is provided

why one of ordinary skill in the art would be motivated to provide Har's data management mechanism in the first place. Therefore, the Examiner is respectfully requested to either (i) provide clear and particular evidence of motivation or (ii) withdraw the rejection.

Claim 32 provides a step for decompressing the compressed item to present a backup programming item. In contrast, the cited text of Har appears to be silent regarding decompressing:

Generally, the compressible, yet uncompressed information blocks will be read back from main memory for replacement in the cache, and thus have another opportunity **to be compressed** when the information block is again written back to main memory during a subsequent cache line replacement. (Emphasis added).

Har appears to contemplate compressing an information block, not decompressing. The phrase "yet uncompressed" appears to mean that the information block has never been compressed, not that the information was compressed and subsequently decompressed. Furthermore, Har appears to be silent regarding the information blocks being programmable items (from claim 1) suitable for programming a programmable logic device. Therefore, the Background section of the application, Kalkstein, Dabbish and Har, alone or in combination, do not appear to teach or suggest a step for decompressing the compressed item to present a backup programming item as presently claimed. As such, claim 32 is fully patentable over the cited references and the rejection should be withdrawn.

Claims 23, 24, 29 and 33 depend from claim 1, which is now believed to be allowable. Since the dependent claims include all of the limitations of the independent claims, claims 23, 24, 29

and 33 are fully patentable over the cited reference and the rejection should be withdrawn.

Claim 26 provides a step for decoding the compressed item from the symbol representation to a binary representation in response to mapping. In contrast, the Office Action rejection of claim 26 appears to be arguing the language of claim 27 (parsing a plurality of first comments lines ...). Therefore, *prima facie* obviousness has not been established for lack of evidence that the references teach or suggest all of the claim limitations. As such, claim 26 is fully patentable over the cited references and the rejection should be withdrawn.

Claim 25 depends from claim 1, which is now believed to be allowable. Since the dependent claim includes all of the limitations of the independent claim, claims 25 is fully patentable over the cited reference and the rejection should be withdrawn.

Claim 28 provides a step for parsing at least one second comment line containing the error detection item from the file using a plurality of second delimiters. Despite the assertion in the Office Action, the text in column 5 lines 7-9 of Kalkstein (reproduced above for claim 27) appears to be silent regarding comment lines in a file. Furthermore, the text in column 3 line 50 thru column 4 line 5 of Stanley appears to be silent regarding multiple delimiters suitable for parsing a comment line from a file. Instead, the cited text of Stanley appears to discuss an encoding process that converts symbols into binary strings wherein a single delimiter is used within the binary string. Therefore,

the Background section of the application, Kalkstein and Dabbish, alone or in combination, do not appear to teach or suggest a step for parsing at least one second comment line containing the error detection item from the file using a plurality of second delimiters as presently claimed. As such, claim 28 is fully patentable over the cited references and the rejection should be withdrawn.

Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicants' representative should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge our office Account No. 50-0541.

Respectfully submitted,  
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